

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED  
2007 APR 26 AM 8:39  
CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY \_\_\_\_\_  
DEPUTY

CHARLES EDWARD LINCOLN, III §  
AND JOHN HENRY FRANKS, §

PLAINTIFFS, §

V. §

GREG ABBOTT, TEXAS ATTORNEY §  
GENERAL, THE HONORABLE §  
JAMES F. CLAWSON, MICHAEL P. §  
DAVIS, JANA DUTY, WILLIAMSON §  
COUNTY ATTORNEY, JAMES §  
RANDALL GRIMES, THE HONORABLE §  
MICHAEL JERGENS, LAURIE J. NOWLIN, §  
THE HONORABLE B.B. SCHRAUB, §  
JAMES CARLTON TODD, WILLIAMSON §  
COUNTY, TEXAS, TEXAS STATE §  
JUDGES MICHAEL JOE 1-N, TEXAS §  
ATTORNEYS JAMES JOE 1-N, §

DEFENDANTS. §

CAUSE NO. A-06-CA-838-LY

**ORDER**

Before the Court are Defendant Grimes's Motion to Dismiss, Motion for More Definite Statement, and Brief in Support Thereof filed November 14, 2006 (Clerk's Document 9), Defendant Davis's Motion to Dismiss, Motion for More Definite statement, and Brief in Support Thereof filed November 15, 2006 (Clerk's Document 10), Defendant Todd's Motion to Dismiss filed November 16, 2006 (Clerk's Document 11), and Defendant Abbott's Motion to Dismiss filed November 16, 2006 (Clerk's Document 12). Following the filing of these documents, the Court granted Plaintiffs leave to file a Second Amended Complaint and ordered the clerk to file the Second Amended Complaint. Accordingly, because the pleading on which Defendants' Grimes's, Davis's, Todd's, and Abbott's motions to dismiss and Defendant Grimes's and Davis's motions for more definite

statement (Clerk's Documents 9, 10, 11, 12) were filed is no longer the live pleading in this case, the Court will dismiss the motions without prejudice to refile. Defendants' remaining motions to dismiss (Clerk's Documents 31, 44, 47, 49, 51, 52) remain pending before this Court.

**IT IS THEREFORE ORDERED** that Defendant Grimes's Motion to Dismiss, Motion for More Definite Statement, and Brief in Support Thereof (Clerk's Document 9) is **DISMISSED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that Defendant Davis's Motion to Dismiss, Motion for More Definite statement, and Brief in Support Thereof (Clerk's Document 10) is **DISMISSED WITHOUT PREJUDICE**.

**IT IS FURTHER ORDERED** that Defendant Todd's Motion to Dismiss (Clerk's Document 11) is **DISMISSED WITHOUT PREJUDICE**.

**IT IS FINALLY ORDERED** that Defendant Abbott's Motion to Dismiss (Clerk's Document 12) is **DISMISSED WITHOUT PREJUDICE**.

SIGNED this 25th day of April, 2007.

  
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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE